APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,714	07/14/2000	Mohan Ananda	81045.944	5954

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THE HECKER LAW GROUP
1925 CENTURY PARK EAST
SUITE 2300
LOS ANGELES, CA   90067

EXAMINER
GART, MATTHEW S

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 12/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.	Applicant(s)
09/616,714	ANANDA, MOHAN
Examiner	**Art Unit**
Matthew s Gart	3625

Office Action Summary

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>*19 November 2002*</u> .

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>*1-14*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>*1-14*</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>*19 November 2002*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

The corrected or substitute drawings were received on November 19, 2002.

These drawings are acceptable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35

U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by

Fergerson, U.S. Patent No. 5,966,697.

Referring to claims 1 and 8. Fergerson discloses a method equivalent to a

method for providing secure electronic commerce transactions with multiple merchants

(at least Abstract and Fig. 1) comprising:

- Establishing a secure communication link between at least one client computer

  system and a vendor computer system (at least Abstract and Fig. 1);

- Transmitting transaction information between said client and vendor computer systems enabling a user at said client computer system to select and purchase, via said vendor computer system, items listed in a merchant computer system by one or more merchants (at least column 11, line 36 to column 13, line 6);

- Establishing a secure communication link between a client computer system and a vendor computer system (at least Abstract and Fig. 1); and

- Transmitting transaction information between said client and said vendor computer systems enabling a user at said client computer system to obtain, via said vendor computer system, items listed in a plurality of merchant computer systems by a plurality of merchants (at least column 11, line 36 to column 13, line 6).

Referring to claims 2 and 9. Fergerson further discloses a method wherein said transmitting step further comprises:

- Generating a purchase order for said items after said user's selection of at least one if said items for purchase from said merchant computer system via said vendor computer system (at least column 11, line 36 to column 13, line 6).

  Referring to claim 3. Fergerson further discloses a method comprising:

- Obtaining payment from said user (at least column 5, line 3 to column 6, line 16 and column 12, line 45 to column 13, line 6); and

- Transmitting payment to at least one of said plurality of merchants on behalf of said user (at least column 5, line 3 to column 6, line 16 and column 12, line 45 to column 13, line 6).

Referring to claim 4. Fergerson further discloses a method wherein said payment is obtained by a operator of said vendor computer system (at least column 5, lines15-25).

Referring to claim 5. Fergerson further discloses a method wherein said step of transmitting transaction information further comprises:

• Monitoring an information exchange between said client computer system and said merchant computer system at said vendor computer system to obtain said transaction information (at least column 9, line 28 to column 11, line 35).

Referring to claims 6 and 13. Fergerson further discloses a method comprising:

• Modifying responses from said merchant computer system to said client computer system at said vendor computer system to route at least a portion of said information exchange through said vendor computer system (at least column 9, line 66 to column 10, line 48); and

• Modifying responses from at least one of said plurality of merchant computer systems to said client computer at said vendor computer system to route at least a portion of said information exchange through said vendor computer system (at least column 9, line 66 to column 10, line 48).

Referring to claims 7 and 14. Fergerson further discloses a method wherein said step of transmitting transaction information further comprises:

• Displaying one or more icons corresponding to said plurality of merchants at said client computer for user selection (at least column 12, line 45 to column 13, line 6);

- Providing said items listed in said merchant computer system to said user at said client computer system via said vendor computer system, upon said user selection of at least one of said one or more icons (at least column 12, line 45 to column 13, line 6);

- Displaying a merchant icon at said merchants at said client computer for user selection (at least column 12, line 45 to column 13, line 6); and

- Upon user selection of said merchant icon, providing the merchant list of items from at least one of said plurality of merchant computer systems to said user at said client computer via said vendor computer system (at least column 12, line 45 to column 13, line 6).

Referring to claim 10. Fergerson further discloses a method wherein a vendor of said vendor computer system forwards payments to said one or more merchants for the supplied items on behalf of said user (at least column 11, lines 15-26).

Referring to claim 11. The method of claim 10, wherein said user makes payment to said vendor for said supplied items (at least column 2, lines 16-61).

Referring to claim 12. The method of claim 9, wherein said vendor computer system is further configured to perform the steps of:

- Monitoring an information exchange between said client computer and said plurality of merchant computer systems at said vendor computer system to obtain said transaction information (at least column 10, line 49 to column 11, line 35).

Response to Arguments

Applicant's arguments filed on November 21, 2002 have been fully considered but they are not persuasive. Attorney argues that Fergerson fails to anticipate, teach or suggest at least the following elements:

- Establishing a secure communication link between at least one client computer system and a vendor computer system through which a user at the client computer system can select and purchase items listed in a merchant computer system; and

- Transmitting transaction information between said client and vendor computer systems enabling a user at a client computer system to select and purchase, via said vendor computer system, items listed in a merchant computer system.

Fergerson indeed discloses establishing a secure communication link between at least one client computer system and a vendor computer system (at least Abstract, "A system and method for shopping at a variety of different vendors easily and securely is disclosed.") through which a user at the client computer system can select and purchase items listed in a merchant computer system (at least Fig. 9A, "Just select the items you want below. Enter your credit card information on a secure web page, and your order will be on its way.").

Fergerson further discloses transmitting transaction information between said client and vendor computer systems enabling a user at a client computer system to select and purchase, via said vendor computer system, items listed in a merchant

computer system (at least Fig. 9A, "Just select the items you want below. Enter your credit card information on a secure web page, and your order will be on its way.").

Attorney further argues:

- That in contrast to Fergerson, the invention of claims 1 and 8 permits a user to select and purchase items listed in a merchant computer system, with selection and purchasing occurring via the vendor computer system.

- That Fergerson teaches away from using a vendor computer system in such a manner by requiring the user to initiate independent sessions with each merchant prior to any involvement of the checkout processor.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not commensurate with the scope of the claim(s). These claims were given the broadest reasonable interpretation in an effort to reduce the possibility that these claims, once issued, will be interpreted more broadly than is justified. *See In re Prater,* 415 F2.d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Blinn et al., U.S. Patent No. 5,897,622, Apr. 27, 1999; discloses an electronic

shopping and merchandising system.

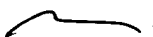Egendorf, U.S. Patent No. 5,794,221, Aug. 11, 1998; discloses an Internet billing

method.

DiAngelo et al., U.S. Patent No. 6,101,482, Aug. 8, 2000; discloses an universal

web shopping cart and method of on-line transaction processing.

Any inquiry concerning this communication should be directed to Matthew Gart

whose telephone number is 703-305-5355. This examiner can normally be reached

Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone

numbers for the organization where this application or proceeding is assigned are 703-

746-7239 for regular communications and 703-746-7238 for After Final

communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

WYNN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

MSG

December 19, 2002